Resolution No.: 16-728

Introduced:

July 29, 2008

Adopted:

October 7, 2008

COUNTY COUNCIL . FOR MONTGOMERY COUNTY, MARYLAND

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SUBJECT: Amendments to the Comprehensive Ten-Year Water Supply and Sewerage Systems Plan

Background

- 1. Section 9-501 et seq. of the Environmental Article of the Maryland Code, requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
- 2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.
- 3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
- 4. The County Council has from time to time amended the Plan.
- 5. On July 29, 2008, the County Council received recommendations from the County Executive regarding six Water and Sewer Plan amendments, one proposed public health problem area, and one administrative general map amendment proposal.
- 6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.

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- 7. A public hearing was held on September 9, 2008.
- 8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments on September 15, 2008 and made recommendations to the Council.
- 9. The County Council held a worksession on September 23, 2008.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council approves the attached amendments to the Comprehensive Ten-Year Water Supply and Sewerage Systems Plan.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use on-site systems, usually wells and/or septic systems. Categories 1 and 3 identify properties approved for public service. Categories 4 and 5 identify properties that currently should use on-site systems, but are proposed for public service in the future. Category 6 identifies properties that should use on-site systems, where public service is not planned for at least the next ten years.

Property owners file category change map amendment requests in seeking to move their property from one category to another, often based on anticipated development plans. The following chart presents the County Council's actions on water/sewer category map amendment requests filed with DEP and transmitted via the County Executive to the Council for consideration in July 2008.

Cloverly - Norwood Planning Area

WSCCR 08A-CLO-02: 219 Ednor Road, LLC

Proposed PIF User: Debre Selam Kidest Mariam (DSKM) Church

Property Information and Location Property Development	Applicant's Request County Council Action	
219 Ednor Rd., Norwood	Existing - Requested - Service Area Categories	
 Parcel P477, Snowden's Manor (disttax acct. #05- 00266962) 	W-5 W-3 S-6 S-1	
WSSC tile 223NW01; MD tax map JS43.	County Council Action	
 Either side of Old Orchard Rd. south of Ednor Rd. 	Deny the request for W-1 and S-1; maintain W-5	
Cloverly Master Plan (1997)	and S-6.	
Northwest Branch Watershed (MDE Use IV)	Notes:	
• RE-2 Zone: 35.06 acres	The applicant may not file a new request for this property before September 30, 2009, without prior	
Existing Use: agricultural.	approval from DEP.	
Proposed Use: place of worship (DSKM Church to relocate from its existing site in Wash., DC)	The Council notes that the category change request application is premature, lacking any specifics concerning the church's proposed use of the property. Neither has the proposed user provided any plan or other proposal since the time of application that will allow for an evaluation of the project's potential effects on the site. The owner and the user may consider reapplying when they are ready to provide this information.	

Damascus Planning Area

WSCCR 08A-DAM-01: Michael and Mary McGrady

Property Information and Location Property Development	Applicant's Request County Council Action	
 24700 Kings Valley Rd., Damascus Parcel P259, Trouble Enough Indeed (dist. & acct.# 02-01708814) 	Existing Requested - Service Area Categories W-1 A No Change S-6 S-1	
 Map tile - WSSC: 234NW11; MD: FW13 West side of Kings Valley Rd., south of Kings Valley Ct. Preservation of Agriculture and Rural Open Space Master Plan (1980), Damascus Master Plan (1982/1985) B Little Bennett Creek Watershed (MDE Use III) RDT Zone; 13.0 ac. Existing use: Agricultural, with one single-family house. Proposed use: Service for the expansion of the existing single-family house 	A Restricted to a single water hookup only. County Council Action Approve S-1, restricted to a single sewer hookup only. Note: This hookup may not be used for service to a private institutional facility (PIF).	

Fairland - Beltsville Planning Area (Vikram Kushawha)

Property Information and Location Property Development	Applicant's I County Coun	•
 4011 – 4101 Sandy Spring Rd. Parcels P844, P845, P884, & P900, New Birmingham Manor (distacct.#: 05-00257067, -00267072, -00261060, & -00282222) Map tile - WSSC: 221NE04; MD: KS562 South side of Sandy Spring Rd. (MD 198) west of Star Pointe Dr. Fairland Master Plan (1997) Little Paint Branch Watershed (MDE Use I) I-1 Zone; 1.56 ac. total Existing use: car sales Proposed use: office, retail, restaurant 		Requested – Service Area Categories W-1 S-1 uncil Action V-1 and S-1.

Applicant's Request County Council Action
Existing - Requested - Service Area Categories
W-6 W-3 S-6 S-3
County Council Action
 Deny the request for categories W-3 and S-3; maintain W-6 and S-6. Notes: The applicant may not file a new request for this property before September 30, 2009, without prior approval from DEP. The Council notes that the category change request application, provided well in advance of action on the required senior housing special exception, is premature. The owner and the proposed user may consider reapplying when the

Travilah - Cabin John Planning Area

WSCCR 08A-TRV-06: Meenu Bawa & Anand Verma

Property Information and Location Property Development	Applicant's Request County Council Action	
 13517 Glen Mill Rd., Rockville Lot 9, Block 5, North Glen Hills Sect. 1 (distacct.# 04-00078188) 	Existing – Requested – Service Area Categories W-1 No Change S-6 S-3	
 Map tile - WSSC: 218NW10; MD: FR342 South side of Glen Mill Rd., east of Pheasant Dr. Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) – Piney Branch subwatershed (Mont. Co. SPA) RE-1 Zone; 0.92 ac. Existing use: vacant Proposed use: one new single-family house 	County Council Action Deny the request for S-3; maintain S-6. Notes: The applicant may not file a new request for this property before September 30, 2009, without prior approval from DEP. A request for S-3 for this property was previously considered and denied under CR 15-851 in Dec. 2004 (WSCCR 03A-TRV-14).	

Upper Rock Creek Watershed Planning Area

WSCCR 08A-URC-01: John Kline

Property Information and Location Property Development	Applicant's Request County Council Action
 6720 Olney Laytonsville Rd., Laytonsville Brooke Grove, P. 560 (distacct. no. 01-00008712) Map tile – MD: GV41; WSSC: 229NW07 West side of Olney Laytonsville Rd. (MD 108) just south the Laytonsville town limits Upper Rock Creek Area Master Plan (2004) Upper Rock Creek (MDE Use III) R-200 Zone; 5.63 acres Existing use: single-family house Proposed use: no change, service for the existing house 	Existing Requested - Service Area Categories W-6 W-3 S-6 S-6 (no change) County Council Action Approve W-3.

Clarksburg Planning Area

PUBLIC HEALTH PROBLEM AREA: CLARKSBURG HISTORIC DISTRICT

Property Information and Location Property Development

- 40 properties included within the established historic district (See Attachment C for a table that identifies each property.)
- Map tiles MD: EW341/342; WSSC: 232/233NW13
- Either side of Frederick Rd. (MD 355), between Stringtown Rd. (MD 121) and Clarksburg Rd.; either side of Spire St., between Frederick Rd. and Clarksburg Rd.; northeast side of Frederick Rd. from Clarksburg north approx. 1200 feet.
- Clarksburg Master Plan (1994)
- Little Seneca Creek (MDE Use IV; Mont. Co. SPA)
- R-200 & C-1 Zones; Individual properties typically range in size from 0.4 to 3.7 acres. (See Attachment C.)
- <u>Existing uses</u>: combination of single-family residential, commercial, and institutional uses. (See Attachment C for specific properties.)

County Executive's Recommendation

DEP has confirmed an area-wide public health problem in the Clarksburg Historic District, centered at the Clarksburg Road and Frederick Road crossroads. Owners of properties located within this long-established neighborhood have for many years been constrained by aging and inadequate septic systems and a lack of available public sewer service. They have expressed frustration that while new sewerage systems were being installed to support new development nearby, existing homes and businesses in the Historic District still lacked access to public sewer service. Many properties are too small to accommodate a septic system that satisfies the minimum standards of current County and State regulations. These sewer service limitations work against the planned revitalization of the Historic District as an important piece of the Clarksburg Town Center.

Nearby development projects in and around the Town Center have provided improved opportunities for extending public sewer service in the Historic District. The designation of a public health problem area, more than justified by research conducted by DPS and DEP, will help to further the provision of public sewer service to properties within this neighborhood. This designation will give property owners there a priority for sewer service extensions, and those with owner-occupied residential properties some assistance with sewer main extension costs.

County Council Action

Establish a public health problem area in the Water and Sewer Plan that includes all of the properties located within the designated Clarksburg Historic District.

Notes:

- Based on the results of WSSC's sewer study, DEP will grant final approvals for categories S-1 or S-3 for properties not solely dependent on sewer infrastructure needed to service Development Stage 4 (Ten Mile Creek watershed).
- All properties within the health problem area should be eligible for expedited service and health extension subsidies from WSSC as consistent with that agency's usual policies.

Goshen – Woodfield – Cedar Grove Planning Area Olney Planning Area

Upper Rock Creek Watershed Planning Area

PROPOSED WATER CATEGORY MAP AMENDMENT: COUNTY PROPERTIES ABUTTING NEW LAYTONSVILLE WATER MAINS

Property Information and Location Property Development

- 50-plus properties located in the county along the alignments of the new 12" water mains to be constructed for service to Laytonsville.*
- Map tiles MD: GU343/563, GV341/561; WSSC: 228NW07/07, 229NW06/07
- Either side of the water main alignments along Dorsey Rd., Olney Laytonsville Rd. (MD 108), and Warfield Rd.
- Preservation of Agriculture and Rural Opens Space Master Plan (1980), Upper Rock Creek Watershed Master Plan (2004), and Olney Master Plan (2005)
- Upper Great Seneca Creek (MDE Use I), Hawlings River (MDE Use IV), Upper Rock Creek (MDE Use III)
- R-200, RE-1, & RE-2 Zones;
- Existing uses: Single-family residential predominates, also some institutional uses (existing County golf course, vacant Board of Ed. Site), commercial uses, and several vacant properties.
- Specific property information will be provided as part of the upcoming administrative delegation action.

County Executive's Recommendation

More than 50 properties located in the county outside of Laytonsville will, over the next several years, abut the new water mains providing service for the town. This has generated interest among these property owners regarding connecting to public water service when the mains become available.

Rather than processing over 50 individual category change requests for these properties, DEP has recommended addressing water service category changes (from W-6 to W-3) comprehensively through a general water category map amendment. This approach will streamline the provision of public water service to qualifying properties and save considerable agency review and processing time. (Properties eligible for service within the town have already received approval for category W-3.)

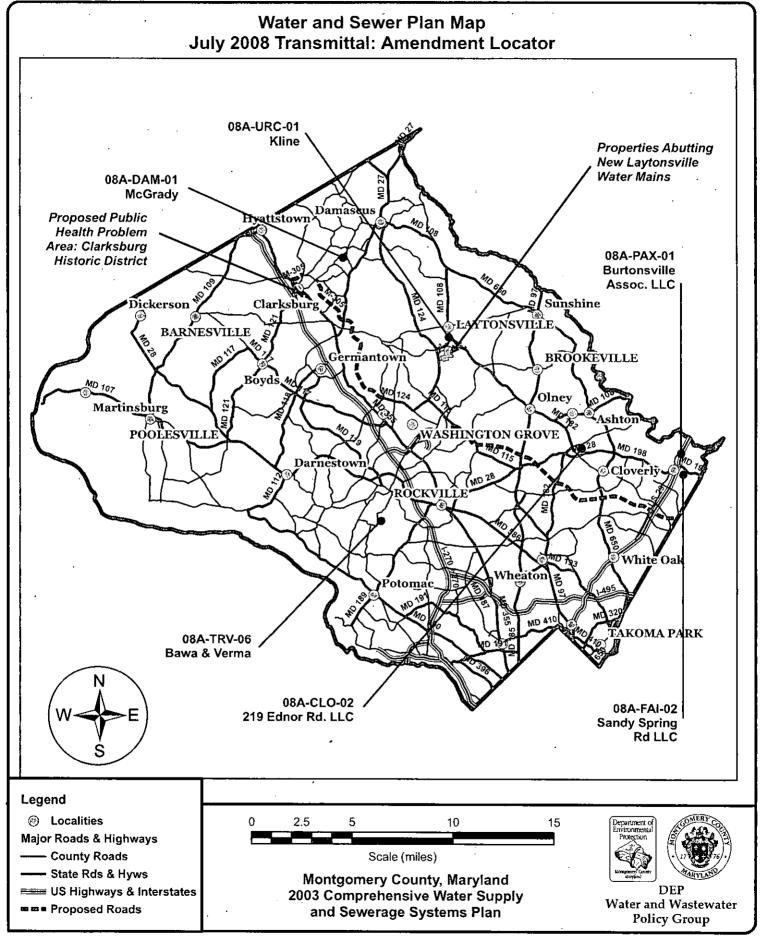
This proposed water category change is *not* intended as an amendment for the Council's action. The proposed general amendment will be included in an upcoming administrative delegation hearing group scheduled for consideration in October.

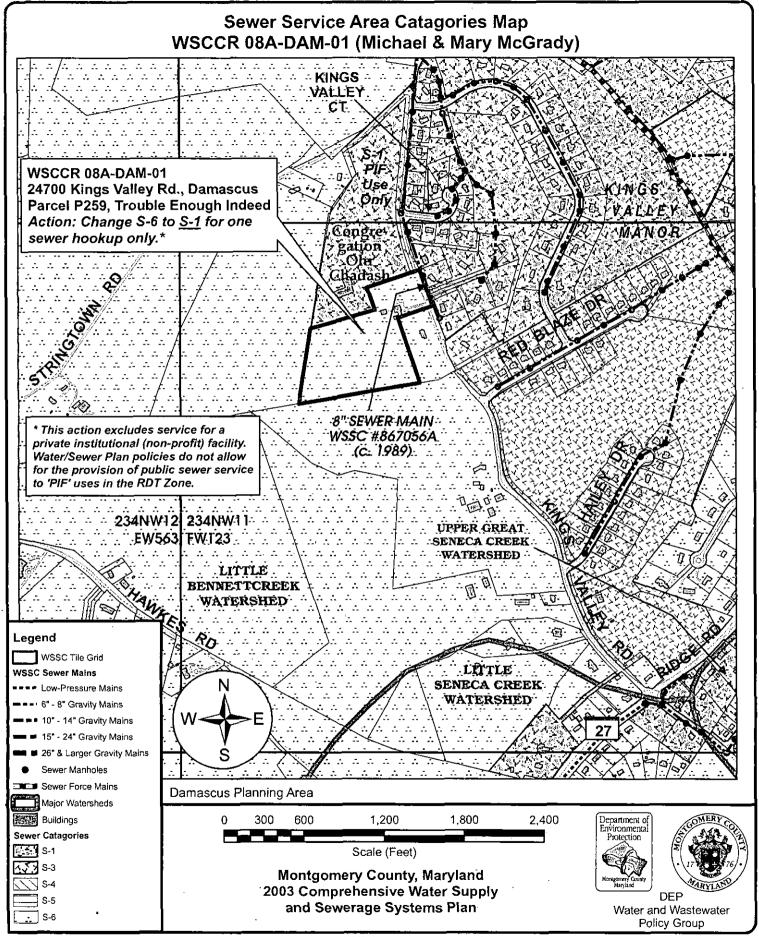
County Council Action

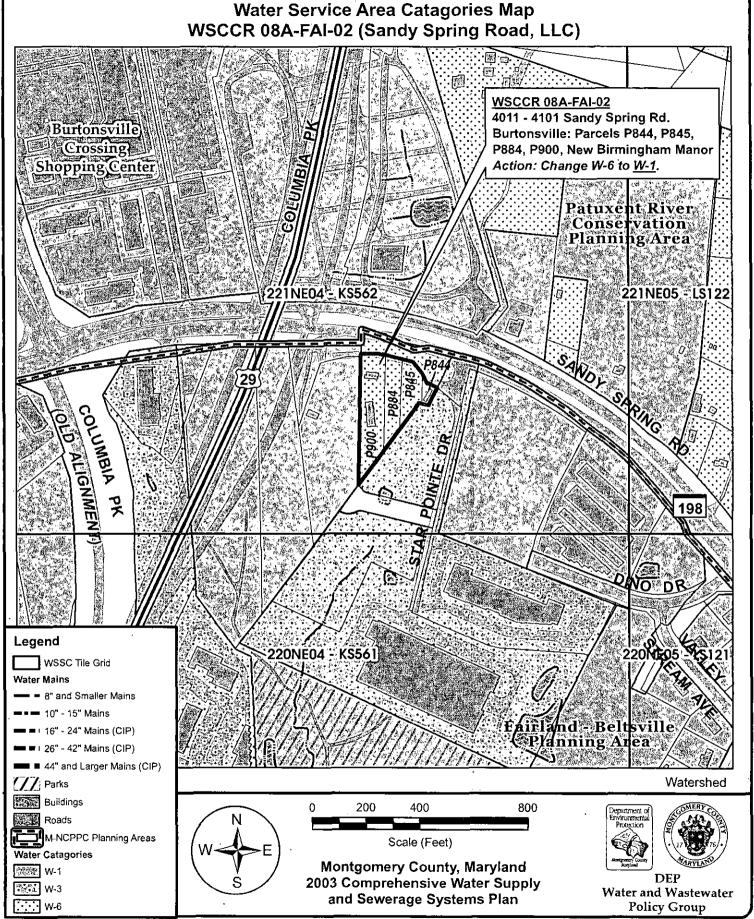
The County Council concurs with the proposed general water map amendment for properties in the county, outside the town, that will abut the water mains providing water service to Laytonsville.

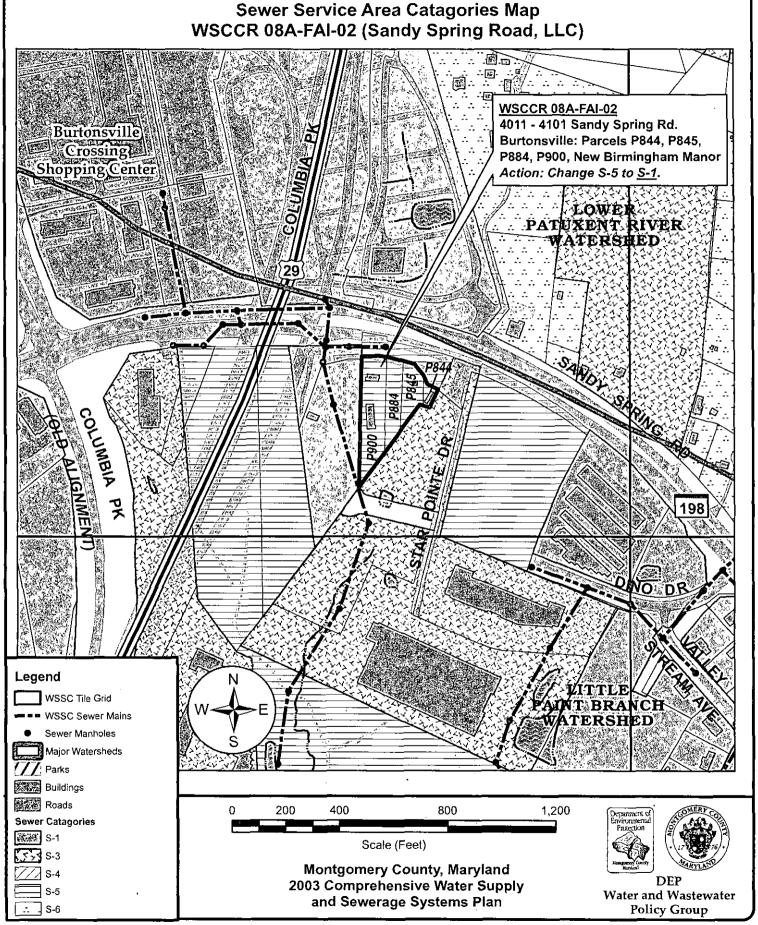
Notes:

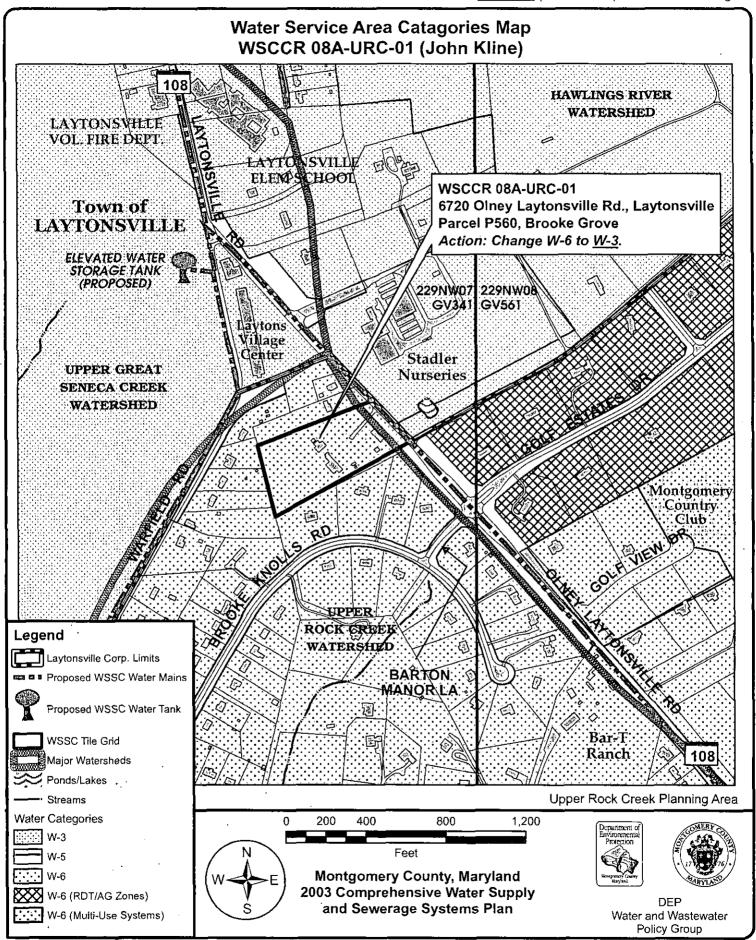
• The Council acknowledges that this proposal excludes two RDT-zoned lots that would otherwise normally qualify for single water hookups under the abutting mains policy. The lots front on Golf Estates Dr. at Route 108. In prior category change actions related to the Laytonsville water service plan (CR 16-237; 7/10/07), the Council specifically restricted public water service from RDT-zoned properties in the vicinity of the town. If they desire public water service, these owners will need to file their own category change requests for the Council's consideration.

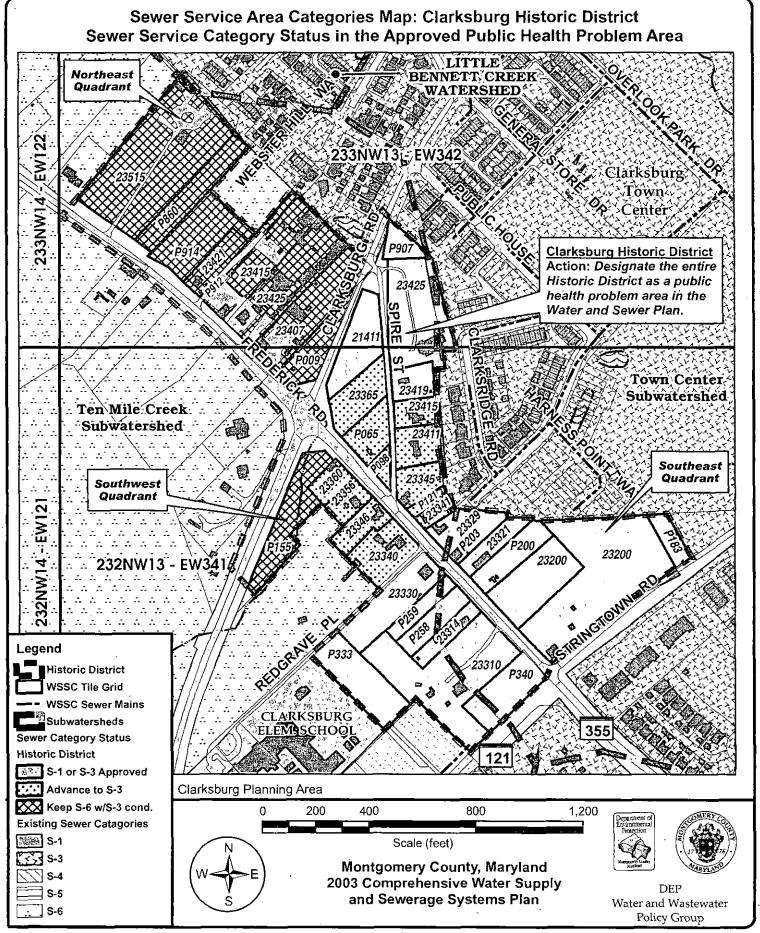


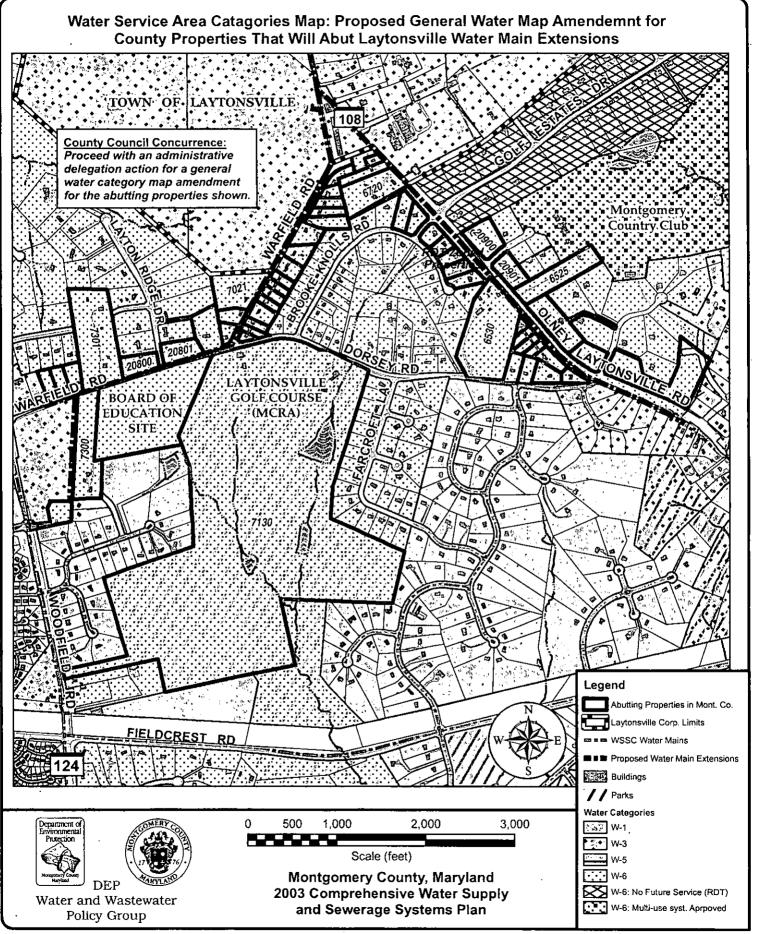












COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS County Executive's July 2008 Transmittal Packet

CLARKSBURG PLANNING AREA: HISTORIC DISTRICT PUBLIC HEALTH PROBLEM AREA

The following properties are included in the approved public health problem area for the Clarksburg Historic District (see Attachment A, pg. 4, and Attachment B, pg. 6, for further details).

	Property Description Use (Date Built) – Zoning & Acreage	Water/Sewer Categories
Southeast Quadrant (east of Frederick Rd. and	I south of Clarksburg Rd.)	•
Clarksburg Rd., 23500 Block: Clarksburg United Methodist Church	Parcel P907, Warfield Vineyard Place of Worship/vacant – R-200 Zone: 0.55 ac.	W-1, S-3
23311 Frederick Rd.: Fotis & E. Kostaris, et al.	Parcel P233, Lot Clarksburg SFH (n/a) – R-200 Zone: 1.16 ac.	W-1, S-3
Frederick Rd., 23300 Block: Buffington Enterprises, Inc	Parcel P200, Lot in Clarksburg Vacant (n/a) – R-200 Zone: 0.96 ac.	W-1, S-3
23321 Frederick Rd.: Amir Modjarrad, et al.	Parcel P177, Lot in Clarksburg Etc Veterinary clinic; formerly post office (n/a) – R-200 Zone: 0.48 ac.	W-1, S-3
	Parcels P176 & P203, Moneys Worth Retail grocery (n/a) – 0.83 ac. total	W-1, S-3
23341 Frederick Rd.: Nichole Lewis	Parcel P150, Lot in Clarksburg, EW31 Retail Grocery (n/a) – 0.14 ac.	W-1, S-6 ^A Advance to S-3.
Frederick Rd., 23300 Block: John Hardisty	Parcel P121, Lot in Clarksburg Vacant (n/a) ~ R-200 Zone: 0.15 ac.	W-1, S-6 ^A Advance to S-3.
23345 Frederick Rd.: Albert & Dawn Espinoza	Parcel P120, Parsonage Lot Clarksburg, EW31 SFH (1856) – 0.46 ac.	W-1, S-6 ^A Advance to S-3.
Frederick Rd., 23300 Block: Montgomery County	Parcels P065 & P098, At Clarksburg Vacant (n/a) 0.83 ac. total	W-1, S-6 ^A Advance to S-3.
23365 Frederick Rd.: Thomas Conley, et al.	Parcel P044, Lot in Clarksburg, EW31 Vacant 0.93 ac.	W-1, S-6 ^A Advance to S-3.
21411 Spire Rd.: Clarksburg United Methodist Church	Parcet P983, Lot in Clarksburg Vacant – R-200 Zone: 0.95 ac.	W-1, S-3
23411 Spire St.: Briget Kline Hart & Christopher Shaw Hart	Parcel P096, Lot Clarksburg SFH (1958) – R-200 Zone: 0.51 ac.	W-1, S-6 ^A Advance to S-3.
23415 Spire St.: Lana Haddad & Ghassan Antar	Parcel P066, Lot in Clarksburg SFH (1951) – R-200 Zone: 0.38 ac.	W-1, S-6 ^A Advance to S-3.
23415 Spire St.: Clarksburg United Methodist Church	Parcel P013, Lot in Clarksburg SFH (1914) – R-200 Zone: 0.42 ac.	W-1, S-3
23425 Spire St.: Clarksburg United Methodist Church	Parcel P960, Cemetery Lot Clarksburg Place of Worship (n/a) R-200 Zone: 1.91 ac.	W-1, S-3
23200 Stringtown Rd.: Potomac Holdings LLC	Parcel P198, Moneys Worth & Woods Port SFH (1924) – R-200 Zone: 3.66 ac.	W-1, S-3
Stringtown Rd., 23200 Block: Sol Rudden Revocable Trust	Parcel P183, Moneys Worth & Woods Port Vacant - R-200 Zone: 0.35 ac.	W-1, S-3
Southwest Quadrant (west of Frederick Rd. an	d south of Clarksburg Rd.)	
Frederick Rd., 23300 Block: Montgomery County	Parcel P340, Home Lot & Adj Lot Clarksburg Heights Vacant - R-200 Zone: 0.53 ac.	W-1, S-3
23310 Frederick Rd.: Hammerhill, LLC	Parcel P311, Home Property SFH (1900) – R-200 & C-1 Zones: 2.83 ac.	W-1, S-3
23314 Frederick Rd.: William & B.L. Watkins	Parcel P257, Lot in Clarksburg SFH (1931) – 0.53 ac.	W-1, S-3

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CLARKSBURG PLANNING AREA: HISTORIC DISTRICT PUBLIC HEALTH PROBLEM AREA

Premises Address & Owner(s)	Property Description Use (Date Built) – Zoning & Acreage	Water/Sewer Categories
Frederick Rd., 23300 Block: Rodney & A.T. Darby	Parcels P258 & 259, Lot in Clarksburg Vacant – R-200 & C-1 Zones: 1.00 ac.	W-1, S-3
23330 Frederick Rd.: Terrabrook Clarksburg LLC	Parcel P228, Money's Worth, EW31 Automotive-retail (n/a) – C-1 Zone: 1.37 ac.	W-1, S-3
23340 Frederick Rd.: Albert & L.M. Randall	Parcel P206, Gamkirk, EW31 SFH (1841) – 0.86 ac.	W-1, S-6 ^A Advance to S-3.
23346 Frederick Rd.: Wallace & A.J. Ashley	Parcel P153, Lot in Clarksburg, EW31 SFH*/na – 0.53 ac.	W-1, S-6 ^A Advance to S-3.
23356 Frederick Rd.: Ebba Muller (23350?)	Parcel P152, Lot in Clarksburg, EW31 SFH/1951 – 0.38 ac.	W-1, S-6 ^A Advance to S-3.
23360 Frederick Rd.: Julio & R.L. Amaya	Parcel P117, Lot in Clarksburg, EW31 SFH/1842 – 0.41 ac.	W-1, S-6 ^A Advance to S-3.
Frederick Rd., 23300 Block: Laura Mullen et al.	Parcel P155, lot in Clarksburg Vacant – R-200 Zone: 0.74 ac.	W-1, S-6 A Maintain S-6 A pending decisions on Stage 4.
13530 Redgrave Pl.: Mont. Co. Board of Education	Parcel P333, Moneys Worth Part of elem. school site – R-200 Zone: 4.76 ac.	W-1, S-1
Northeast Quadrant (east of Frederick Rd. and	d north of Clarksburg Rd.)	
Frederick Rd., 23400 Block: Woodjung, Inc.	Parcel P009, Lot in Clarksburg Vacant – 0.80 ac.: C-2 Zone	W-1, S-6 ^A Maintain S-6 ^A pending decisions on Stage 4.
23407 Frederick Rd.: Thomas Conley, et al. Tr.	P980, Ebenezer Etc. , EW32 Commercial retail/na – 1.65 ac.	W-1, S-6 A Maintain S-6 ^A pending decisions on Stage 4.
23415 Frederick Rd.: Ben Lewis Real Estate, LLC	Parcel P911, Lot in Clarksburg Consumer-oriented retail (n/a) – 1.50 ac.	W-1, S-6 ^A Maintain S-6 ^A pending decisions on Stage 4.
Frederick Rd., 23400 Block: Natelli Clarksburg, LLC	Parcel P912, Moneys Worth Vacant - 0.39 ac.: R-200 Zone	W-1, S-6 A Maintain S-6 A pending decisions on Stage 4.
23421 Frederick Rd.: Ben Lewis Real Estate, LLC	Parcel P913, Moneys Worth Consumer-oriented retail/luc: 599 (n/a) – 0.47 ac.	W-1, S-6 ^A Maintain S-6 ^A pending decisions on Stage 4.
Frederick Rd., 23400 Block: Ferguson/ Anderson, LLC	Parcel P914 Moneys Worth Vacant – 1.15 ac.: R-200 Zone	W-1, S-6 ^A Maintain S-6 ^A pending decisions on Stage 4.
23425 Frederick Rd.: Ben Lewis Real Estate, LLC (see above)	Parcel P926, Clarksburg Mixed office & retail (n/a) – 1.73 ac.: C-2 Zone	W-1, S-6 ^A Maintain S-6 ^A pending decisions on Stage 4.
23515 Frederick Rd.: Phuong Nguyen, et al.	Parcel P814, Warfields Vineyard Etc SFH/1890 – 3.89 ac.	W-1, S-6 ^A Maintain S-6 ^A pending decisions on Stage 4.
Frederick Rd.: Natelli Clarksburg, LLC	Parcel P860, Warfields Vinyard Etc Vacant (luc: 910) – 0.89 ac.	W-1, S-6 A Maintain S-6 Pending decisions on Stage 4.